

Exhibit 3

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

DEMETRIUS BROWN,
Plaintiff,

- v -

UNITED STATES DEPARTMENT
OF JUSTICE, et al.,
Defendants.

Civil Action No. 04-379 (Erie)

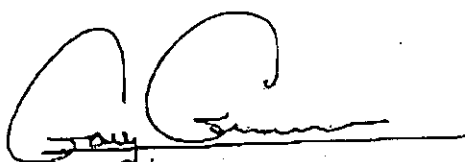
DECLARATION OF GARY GRIMM

I, Gary Grimm, make the following declaration under penalty of perjury:

1. I am employed as an Associate Warden, assigned to the Federal Correctional Institution (FCI), McKean, Pennsylvania.
2. As an Associate Warden, I have access to most records maintained in the ordinary course of business at FCI McKean, including Institution Supplements issued by the Warden at FCI McKean.
3. Attached hereto, please find a true and correct copy of Institution Supplement MCK 1640.03, Smoking and Non-Smoking Areas (June 21, 2002).

I declare the foregoing is true and correct to the best of my knowledge and belief, and is given under penalty of perjury pursuant to 28 U.S.C. § 1746.

Executed this 29 day of December, 2005.


Gary Grimm
Associate Warden
Federal Correctional Institution
McKean, Pennsylvania